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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	NO. CV 09-07756-CAS (JEMX)
)	
Plaintiff,)	{PROPOSED} CONSENT JUDGMENT
)	
vs.)	
)	
)	
REAL PROPERTY LOCATED IN)	
ROSEMEAD, CALIFORNIA (HO), ET)	
AL.)	
)	
Defendants.)	
)	
JACK DUC HO AND ANH T. TU,)	
)	
Claimants.)	
)	

This action was filed on October 26, 2009. Notice was
given and published in accordance with law. Claimants Jack Duc

1 Ho ("Ho") and Anh T. Tu ("Tu") (collectively "claimants") claim
2 an interest in the defendant assets and have filed and claim and
3 answered the complaint. No other claims or answers have been
4 filed, and the time for filing claims and answers has expired.
5 Plaintiff United States of America ("the government") and
6 claimants Ho and Tu have reached an agreement that, without
7 further litigation and without an admission of any wrongdoing,
8 is dispositive of the government's claims against the defendant
9 assets, and hereby request that the Court enter this Consent
10 Judgment.

11 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

12 1. As used throughout, the "defendant real property"
13 shall mean the defendant real property located in Rosemead,
14 California; the "defendant currency" shall mean the \$37,837.00
15 in U.S. currency seized on April 28, 2009 from the defendant
16 real property; and the "defendant vehicle" shall mean the one
17 2001 Mercedes Benz ML430 seized from the defendant real property
18 on April 28, 2009.

19 2. This Court has jurisdiction over the parties to this
20 Consent Judgment and the subject matter of this action.

21 3. On or about October 26, 2009, the government filed a
22 Complaint for Forfeiture pursuant to 21 U.S.C. §§ 881(a) (6) and
23 (7) and 18 U.S.C. §§ 981(a)(1)(A) and (C) against the defendant
24 real property, defendant currency, and defendant vehicle.

25 4. Claimants Ho and Tu filed a claim and answered the
26 complaint. No other claimant has appeared in this action.

27 5. Notice of this action has been given in accordance
28 with law. No appearances by parties other than claimants having

1 been made in this action, the Court deems that all potential
2 claimants other than Ho and Tu admit the allegations of the
3 Complaint to be true. The Complaint states valid claims for
4 relief pursuant to 21 U.S.C. §§ 881(a) (6) and (7) and 18 U.S.C.
5 §§ 981(a)(1)(A) and (C).

6 6. Claimants Ho and Tu shall retain possession of and
7 title to the defendant real property.

8 7. In consideration of the government's agreement not to
9 pursue forfeiture of the defendant property, claimants Ho and Tu
10 shall pay the sum of \$365,000.00 to the government not later
11 than sixty days following entry of this Consent Judgment by the
12 Court. Such payment shall be made via a wire transfer or in the
13 form of a cashier's check made payable to the United States
14 Marshals Service, and shall be delivered to Assistant United
15 States Attorney Jonathan Galatzan, 312 N. Spring Street, 14th
16 Floor, Los Angeles, California 90012. Said sum is hereby
17 ordered forfeited to the United States of America and no other
18 right, title or interest shall exist therein. The government is
19 ordered to dispose of the funds in accordance with law.

20 8. In consideration of claimants' agreement to forfeit the
21 above-described funds, the government agrees to forego its
22 attempts to seek forfeiture of the defendant real property in
23 connection with any conduct committed up to and including the
24 date of the filing of this proposed Consent Judgment. The
25 government agrees that if payment is made as provided in
26 paragraph 7, it shall execute and record a Withdrawal of *Lis*
27 *Pendens* with the County Recorder of Los Angeles County within
28 ten days of such payment.

1 9. Should claimants fail to make the payment required
2 herein within sixty days following entry of this Consent
3 Judgment, the government shall acquire a lien against the
4 defendant real property in the sum of \$365,000.00. The
5 government's lien shall include a right of sale, allowing the
6 government to take possession of and sell the defendant real
7 property at any time after ninety days after entry of this
8 Consent Judgment, unless the parties agree otherwise in writing.
9 The government shall give written notice to claimants by letter
10 directed to Eric Honig, Esq., as set forth below, thirty (30)
11 days before the government intends to enforce its right of sale
12 of the defendant real property. At the conclusion of that
13 thirty day period, any occupants or personal property shall be
14 removed from the property. The United States Marshal Service is
15 hereby authorized to remove any occupants and/or personal
16 property remaining on the defendant real property thirty days
17 after the giving of written notice without further order of this
18 Court. The United States shall thereafter sell the defendant
19 real property. The proceeds of sale shall be applied as
20 follows, to the extent proceeds are available:

- 21 a. First, to the costs incurred by the government in
22 taking possession of and selling the defendant
23 real property;
- 24 b. Second, to any lienholder with a recorded,
25 secured interest pre-dating the recording of the
26 government's lis pendens;
- 27 c. Third, to the payment due under the terms of this
28 Consent Judgment; and

1 d. Fourth, any remainder to claimants.

2 10. The defendant vehicle and \$17,797.00 of the defendant
3 currency, without interest, shall be returned to claimants
4 through their counsel; the remaining \$20,040.00 of the defendant
5 currency shall be forfeited to the United States, and no other
6 right, title or interest shall exist therein.

7 11. Except as otherwise set forth in this Consent
8 Judgment, claimants Ho and Tu have released the United States of
9 America, its agencies, agents, and officers, including, without
10 limitation, employees and other representatives of the Federal
11 Bureau of Investigation, from any and all claims, defenses,
12 actions, or liabilities arising out of or related to this action
13 against the defendant assets, including, without limitation, any
14 and all claims for attorneys' fees, costs or interest which may
15 be asserted by claimants or on their behalf.

16 12. The parties shall each bear their own costs and
17 attorneys' fees in this action.

18 13. The Court shall retain jurisdiction over this matter
19 to enforce the provisions of this Consent Judgment.

20 14. The Court finds that there was reasonable cause for
21 the initiation of this action, and this Consent Judgment shall
22 be construed as a certificate of reasonable cause pursuant to 28
23 U.S.C. § 2465.

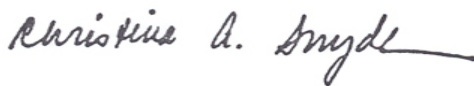
24 15. All notices and other communications provided for in
25 this Consent Judgment shall be in writing and shall be effective
26 when given on the earliest of the following dates: (i) the
27 date when actually delivered if delivered in person to the
28 recipient; (ii) on the first (1st) business day after depositing

1 such notice with a reputable independent nationally-recognized
2 overnight courier service addressed to the recipient as set
3 forth below; or (iii) on the third (3rd) day after depositing
4 such notice in a sealed envelope in the United States mail,
5 postage prepaid, by registered or certified mail, return receipt
6 requested, addressed to, except as otherwise provided in this
7 Consent Judgment, the recipient at the address set forth below:
8 To the Government: Jonathan Galatzan, Assistant U.S. Attorney,
9 Asset Forfeiture Section, 312 N. Spring Street, 14th Floor, Los
10 Angeles, CA 90012.

11 To claimants Ho and Tu: Eric Honig, Esq., P.O. Box 10327,
12 Marina Del Rey, CA 90295.

13 Any notice so given by mail shall be deemed to have been given
14 as of the date of delivery (whether accepted or refused)
15 established by the U.S. Post Office return receipt or the
16 overnight courier's proof of delivery, as the case may be.

17
18 Dated: February 5, 2015



THE HONORABLE CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE

Approved as to Content:

DATED: February 2, 2015

STEPHANIE YONEKURA
Acting United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/ Jonathan Galatzan
JONATHAN GALATZAN
Assistant United States Attorney

Attorneys for Plaintiff
United States of America

DATED: January 28, 2015

/s/ Jack Ho
JACK DUC HO
Claimant

DATED: January 28, 2015

/s/ Anh Tu
ANH T. TU
Claimant

Approved as to form:

DATED: January 31, 2015

/s/ Eric Honig
ERIC HONIG
Attorney for Claimants
JACK DUC HO AND ANH T. TU